

As indicated above, the Administrative Law Judge ordered payment of a \$975 MRI bill. The only issue upon this review is whether that expense should be ordered paid by the respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds as follows:

The May 7, 1996, Order entered by the Administrative Law Judge should be affirmed.

The Appeals Board finds that the \$975 MRI bill incurred with W. C. Imaging Center should be considered authorized medical expense and paid by the respondent. The Appeals Board finds that in October 1990 the respondent referred claimant to Dr. Anthony Pollock who then recommended an MRI and other evaluation. After seeing Dr. Pollock on October 15, 1990, claimant requested respondent to authorize further evaluation by that doctor. Respondent refused. Claimant's attorney then referred claimant to Dr. Michael Estivo for further evaluation. Dr. Estivo saw claimant on December 13, 1990, and ordered the MRI which was performed on December 14, 1990, and which is the subject of this review. Because claimant was without an authorized treating physician, after seeing Dr. Estivo claimant requested the Administrative Law Judge to order additional medical treatment. The Judge appointed Dr. Pollock who then saw claimant again and reviewed the December 1990 MRI for purposes of his evaluation.

Under the above facts, the Appeals Board finds that the respondent is responsible for payment of the MRI bill as an authorized medical expense. See K.S.A. 1989 Supp. 44-510(b) which provides in part:

"If the employer has knowledge of the injury and refuses or neglects to reasonably provide the benefits required by this section, the employee may provide the same for such employee, and the employer shall be liable for such expenses subject to the regulations adopted by the director."

The Appeals Board finds the MRI was initially recommended by a physician authorized by respondent and that respondent refused to provide that evaluation. In addition, respondent discontinued Dr. Pollock's authority to further evaluate or treat claimant. Therefore, the medical expense claimant incurred with Dr. Estivo, including the MRI bill, should be paid by respondent pursuant to the above-quoted statute.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order entered by Administrative Law Judge Nelsonna Potts Barnes dated May 7, 1996, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of October, 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Russell B. Cranmer, Wichita, KS
Alexander B. Mitchell, II, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director